



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**Report Title:** Clean Water Act Compliance Inspection Report  
**Inspection Date(s):** 06/16/2022  
**Regulatory Program(s):** National Pollutant Discharge Elimination System (NPDES)  
**Type of Activity:** Industrial Stormwater  
**Site/Facility Name:** Lawson Road 234-21.00-139.00  
**Permittee(s):** Undetermined Not Currently Permitted  
**Site/Facility Operator:** RB Hauling  
**Site/Facility Address:** Lawson Road Parcel 234-21.00-139.00  
Georgetown, DE 19947  
**Latitude:** 38.640188 **Longitude:** -75.270777  
**County/Parish:** Sussex  
**General Permit #:** Not Applicable  
**Site Specific Permit #:** Not Applicable  
**NAICS Code:** Unknown **SIC:** Unknown  
**Unique Project #:** 3E22WN076B

**Site/Facility Representative(s):** **Point of Contact**  
John Davidson ☒

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Date

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**Signature/Date**

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Date

Unique Project#: 3E22WN076B

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### **List of Attachments**

Attachment A:   Photo Log

## I. Introduction

On June 16, 2022, an inspection team composed of staff from the U.S. Environmental Protection Agency (EPA) Region III (hereinafter, “EPA Inspection Team”) and representatives of the Delaware Department of Natural Resources and Environmental Control (“DNREC”) met with John Davidson at the parcel of land he owns on Lawson Road in Georgetown Delaware. The parcel is 7.95-acres in size and is located on Lawson Road between Zoar Road and Henrys Way. The inspection was conducted to assess if current operations and conditions required a National Pollutant Discharge Elimination System (“NPDES”) Permit.

### A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at approximately 10:00 AM for the announced inspection. The EPA Inspection Team met several representatives of DNREC and Sussex County Constable on the property in addition to the property owner. The EPA, DNREC and Sussex County representatives listed below were at the site entrance:

**Table 1. EPA and DNREC Representatives**

Name	Agency	E-mail
Peter Gold	EPA	<a href="mailto:Gold.peter@epa.gov">Gold.peter@epa.gov</a>
Cody Letsinger	DNREC	<a href="mailto:Cody.letsinger@delaware.gov">Cody.letsinger@delaware.gov</a>
Jenna Saxton	DNREC	<a href="mailto:Jena.sexton@delaware.gov">Jena.sexton@delaware.gov</a>
Bill Tanner	DNREC	<a href="mailto:Bill.tanner@delaware.gov">Bill.tanner@delaware.gov</a>
Matthew Grabowski	DNREC	<a href="mailto:Matthew.grabowski@delaware.gov">Matthew.grabowski@delaware.gov</a>
Bryson Ezell	DNREC	<a href="mailto:Bryson.ezell@Delaware.gov">Bryson.ezell@Delaware.gov</a>
Lisa Myura	DNREC	<a href="mailto:Lisa.myura@Delaware.gov">Lisa.myura@Delaware.gov</a>
Chad Dolt	DNREC	<a href="mailto:Chad.dolt@delaware.gov">Chad.dolt@delaware.gov</a>
Eric Rowland	DNREC	<a href="mailto:Eric.rowland@Delaware.gov">Eric.rowland@Delaware.gov</a>
Matt Jones	DNREC	<a href="mailto:Matthew.jones@delaware.gov">Matthew.jones@delaware.gov</a>
Tim Hamlett	DNREC	<a href="mailto:Timothy.hamlett@delaware.gov">Timothy.hamlett@delaware.gov</a>
Patrick Emory	DNREC	<a href="mailto:Patrick.emory@delaware.gov">Patrick.emory@delaware.gov</a>
Kelly Passwaters	Sussex County Constable	<a href="mailto:Kpasswaters@sussexcounty.de.gov">Kpasswaters@sussexcounty.de.gov</a>
Steve Hickman	Sussex County Constable	<a href="mailto:Sdhickman@sussexcounty.de.gov">Sdhickman@sussexcounty.de.gov</a>

### B. Weather and Precipitation Conditions

During the inspection, weather was overcast. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in the Table 2 below:

**Table 2. Precipitation Data**

Station Name	Date	Precipitation Amount (inches) <sup>1</sup>
Georgetown Delaware Coastal Airport, DE US USW00013764	06/11/2022	Trace
Georgetown Delaware Coastal Airport, DE US USW00013764	06/12/2022	Trace
Georgetown Delaware Coastal Airport, DE US USW00013764	06/13/2022	0.01
Georgetown Delaware Coastal Airport, DE US USW00013764	06/14/2022	0.36
Georgetown Delaware Coastal Airport, DE US USW00013764	06/15/2022	0.00
Georgetown Delaware Coastal Airport, DE US USW00013764	06/16/2022	0.36

### **C. Summary of the Site/Facility**

The total area of the property is 7.95 acres according to Sussex County records. There was a large pile of sediment, vegetative debris, logs, sand and crushed concrete on the property.

## **II.Site/Facility Activity**

The property owner informed the Inspection Team that the parcel was purchased in 1993 and that the property is used to move and store dirt associated with their masonry business. The property owner claimed there is no concrete crushing, acceptance of liquid wastes, or excavating occurring on the property. The property owner informed the Inspection Team that he once took dredge spoils to the property and this activity was permitted by DNREC and occurred over 10 years ago. The property owner claimed this was the only time 3<sup>rd</sup> party waste was accepted. The property owner also said concrete crushing occurred at the site historically but no longer takes place. Permits and notifications of the concrete crushing was provided to the Inspection Team and are provided in the Photo Log. There was no documentation provided regarding the dredge spoils.

## **III. Observations**

The following section summarizes the EPA Inspection Team's observations relative to the property inspection. The facility is not permitted under the NPDES program. There was measurable precipitation around the property the day of and the day before the inspection. There was no evidence of runoff exiting the property during the inspection. Most of the site was bermed, but there were three areas where water was pooled/ponded onsite. One area was in the rear corner of the property and another was where previously crushed concrete was being stored. These areas did not show evidence of surface water migration.

Photographs during the inspection were taken by Peter Gold. The photographs for this report have been processed in order to assign to each photo the original camera-generated file name (e.g., IMAG0032). The camera-generated file name is used to identify each photo in the main narrative of this inspection report. Unused photos are digitally stored and maintained in the inspection file. Unused photos are available upon request.

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<sup>1</sup> Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

### **Potential Requirement for Permit Coverage**

Federal regulations at 40 CFR 122.26(b)(14)(i)-(xi) require stormwater discharges associated with specific categories of industrial activity to be covered under NPDES permits (unless otherwise excluded).

### **Observation #1:**

The Inspection Team evaluated the Delaware Regulations and EPA's Multi Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities to determine if permit coverage was required. The Inspection Team looked at the Industrial Sectors requiring coverage in the regulations. At the time of inspection there was no excavating, digging, crushing, or processing of materials observed.

There were multiple piles of sand, dirt, crushed concrete, crushed stone and vegetative debris on the property including creosote treated lumber. The vegetative material was not being mulched or processed. DNREC intends to require the creosote treated lumber be removed from the property.

It did not appear at the time of inspection that industrial processes were occurring on site and with the removal of the creosote treated lumber it did not appear that industrial wastes were being stored on site.

There were some areas on the site where water was ponded but at the time of inspection it did not appear that there was water migrating off site via overland flow.

### **IV. Records Review**

The Inspection Team reviewed Delaware Regulations 7201 Regulations Governing the Control of Water Pollution and the EPA Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity.

### **V. Closing Conference**

There was a closing conference held with the property owner where the preliminary observations of the inspection were discussed.